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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,417	02/28/2002	Masakuni Ezumi	648.40349VX3	1862

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EXAMINER	
JOHNSON, JONATHAN J	
ART UNIT	**PAPER NUMBER**
1725	

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/084,417	EZUMI ET AL.	
	Examiner	Art Unit	
	Jonathan Johnson	1725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 November 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-6,8-11 and 13-16* is/are rejected.

7)☒ Claim(s) *3,7 and 12* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 09/915,354.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 4-6, 8-11, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aota et al. (EP 0 893 189) in view of Wollaston et al. (6,328,261). Aota et al. teach car body including an underframe formed of a first hollow member and a side structure formed of a second hollow member (Figure 1, Item 56 top and bottom and col. 4, l. 58 through col. 5, l. 5), which are welded together at two positions; and the exterior side of said first hollow member of said side structure and the exterior side of said second hollow member are friction stir welded (Figure 1, Item 70); where said underframe and said side structure are welded to each other at a welded joint portion wherein the welded joint portion exists on a line of an extension of an interior-side surface plate of said first hollow member or from a connecting plate that connects two surface plates of said hollow member (Figure 5, Item 41), and where the side structure is substantially orthogonal to the underframe (Figure 5, items 41 and 43). Wollaston et al. teaches friction stir welding workpieces at right angles to each other (Figure 29, item 80). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the MIG welding process of Aota et al. to utilize the friction stir welding process of Wollaston et al. a strong weld joint not susceptible to fatigue (Wollaston et al.; col. 2, ll. 45-55).

With respect to Claim 2, the teachings of Aota et al. and Wollaston et al. are the same as relied upon in the rejection of Claim 1. Aota et al. teach, in another embodiment, to form a fillet prior to friction stir welding (figure 7, item 56n). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined inventions of Aota et al. and Wollaston et al. to utilize a fillet prior to friction stir welding in order to help the optical sensor more easily detect the weld joint (see Aota et al. col. 9, ll. 5-20).

With respect to Claim 6, the teachings of Aota et al. and Wollaston et al. are the same as relied upon in the rejection of Claim 5. Aota et al. teach, in another embodiment, to form a fillet prior to friction stir welding (figure 7, item 56n). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined inventions of Aota et al. and Wollaston et al. to utilize a fillet prior to friction stir welding in order to help the optical sensor more easily detect the weld joint (see Aota et al. col. 9, ll. 5-20).

With respect to Claim 11, the teachings of Aota et al. and Wollaston et al. are the same as relied upon in the rejection of Claim 9. Aota et al. teach, in another embodiment, to form a fillet prior to friction stir welding (figure 7, item 56n). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined inventions of Aota et al. and Wollaston et al. to utilize a fillet prior to friction stir welding in order to help the optical sensor more easily detect the weld joint (see Aota et al. col. 9, ll. 5-20).

Allowable Subject Matter

Claims 3, 7, and 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The prior art does not suggest or teach a car body, particularly the claim limitation of having the inner surface plates welded via arc welding.

Response to Arguments

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Johnson whose telephone number is 571-272-1177. The examiner can normally be reached on M-Th 7AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jj

Kiley Stoner AU 1725
Kiley Stoner 2/23/04